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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 RYAN WEDDING,

15 Defendant.

CASE NO. 08cr2386 JM

ORDER DENYING MOTION FOR
RECONSIDERATION

16 Defendant's counsel moves for reconsideration of this court's October 28, 2009 Order
17 confirming the November 16, 2009 trial date. "Reconsideration is appropriate if the district court (1)
18 is presented with newly discovered evidence, (2) committed clear error or the initial decision was
19 manifestly unjust, or (3) if there is an intervening change in controlling law. . . . There may also be
20 other, highly unusual circumstances warranting reconsideration." " School Dist. N. 1J Multnomah
21 Cty. v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). Defendant fails to satisfy this standard for
22 reconsideration.


23 Defense counsel again raises three basic arguments for a continuance. First, he argues that he
24 is in trial in Los Angeles District Court with an anticipated completion date of the week of October
25 26, 2009. The court notes that this matter has been pending since June 13, 2008, virtually all
26 discovery has been produced, the trial has already been continued on several occasions, and defense
27 counsel has had an adequate opportunity to prepare for trial over the past 17 months. Second, Defense
28 counsel argues that he needs further impeachment materials on co-defendant Shirani concerning his

1 “involvement in a Canadian murder case.” (Motion at p.2:13-14). The court notes that the
2 Government produced to defendant on May 19, 2009 the FBI report summarizing information given
3 by co-defendant Shirani to the Royal Canadian Mounted Police. As set forth in a separate order, the
4 redactions to the FBI report are appropriate and do not contain any material impeachment matters, or
5 represents cumulative materials already produced. Finally, Defense counsel argues that he requires
6 discovery of the telephone calls of co-defendant Shirani made from the Metropolitan Correctional
7 Center. Again, by separate order, the court has reviewed those calls and concludes that the calls are
8 not discoverable and contain no material impeachment evidence.

9 In sum, the motion for reconsideration is denied.

10 **IT IS SO ORDERED.**

11 DATED: October 30, 2009

12 
13 Hon. Jeffrey T. Miller
United States District Judge

14 cc: All parties
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